

chapter, a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with § 103.10 of this chapter, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in § 103.10 of this chapter.

[23 FR 2673, Apr. 23, 1958, as amended at 32 FR 9633, July 4, 1967; 52 FR 2941, Jan. 29, 1987; 59 FR 1466, Jan. 11, 1994]

#### **§ 292.5 Service upon and action by attorney or representative of record.**

(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpoena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of the attorney or representative of record, or the person himself if unrepresented.

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs. Provided, that nothing in this paragraph shall be construed to provide any applicant for admission in either primary or secondary inspection the right to representation, unless the applicant for admission has become the focus of a

criminal investigation and has been taken into custody.

[37 FR 11471, June 8, 1972 and 45 FR 81733, Dec. 12, 1980; 46 FR 2025, Jan. 8, 1981; 58 FR 49911, Sept. 24, 1993]

#### **§ 292.6 Interpretation.**

Interpretations of this part will be made by the Board of Immigration Appeals, subject to the provisions of part 3 of this chapter.

[32 FR 9633, July 4, 1967]

### **PART 292a—LISTING OF FREE LEGAL SERVICES PROGRAMS**

Sec.

292a.1 Listing.

292a.2 Qualifications.

292a.3 Applications.

292a.4 Approval and denial of applications.

292a.5 Removal of an organization from list.

AUTHORITY: Sec. 103; 8 U.S.C. 1103, interpret or apply secs. 242 and 292 (8 U.S.C. 1252 and 1362).

SOURCE: 44 FR 4654, Jan. 23, 1979, unless otherwise noted.

#### **§ 292a.1 Listing.**

District directors and officers-in-charge shall maintain a current list of organizations qualified under this part and organizations recognized under § 292.2 of this chapter which have applied for listing under § 292a.3 of this part, located within their respective jurisdictions, for the purpose of providing aliens in deportation or exclusion proceedings with a list of such organizations as prescribed in this chapter.

[45 FR 43681, June 30, 1980]

#### **§ 292a.2 Qualifications.**

Except for an organization which is recognized under § 292.2 of this chapter and is available to render legal services in deportation or exclusion proceedings, an organization which seeks to have its name appear on the Service lists must show that it is established in the United States, provides free legal services to indigent aliens, has on its staff attorneys as defined in § 1.1(f) of this chapter or retains, at no expense to the alien, attorneys as defined in § 1.1(f) of this chapter, who are available to render such free legal services

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by representation in deportation or exclusion proceedings. Bar associations which provide a referral service of attorneys who render pro bono assistance to aliens in deportation or exclusion proceedings may also qualify to have their names appear on the Service list. Listing of an organization qualified under this part is not equivalent to recognition under § 292.2 of this chapter.

[44 FR 4654, Jan. 23, 1979, as amended at 45 FR 43681, June 30, 1980]

### § 292a.3 Applications.

Applications by organizations to qualify for listing under this part shall be submitted to the district director or officer-in-charge having jurisdiction over each area in which free legal services are being provided by the organization. The application shall be supported by a declaration signed by an authorized officer of the organization that the organization complies with all the qualifications set out in § 292a.2.

### § 292a.4 Approval and denial of applications.

District Directors or officers-in-charge shall have the authority to grant or deny an application submitted by an organization under this part, within their respective jurisdiction. If an application is denied, the applicant shall be notified of the decision in writing giving the grounds of such denial. Denial must be based on the failure of the organization to meet the qualifications specified in § 292a.2. The organization shall be advised of its right to appeal in accordance with §§ 103.1 and 103.3 of this chapter.

[50 FR 2040, Jan. 15, 1985]

### § 292a.5 Removal of an organization from list.

If the district director or officer-in-charge is satisfied that an organization listed under § 292a.1 does not meet the qualifications as set out in § 292a.2, he/she shall notify the organization concerned, in writing, of his/her intention to remove its name from the Service list. The organization may submit an answer within 30 days from the date the notice was served. If, after considering the answer by the organization,

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in the event an answer is submitted, the district director or officer-in-charge determines that the organization does not qualify under § 292a.2, he/she shall remove its name from the list. Removal must be based on the failure of the organization to meet the qualifications specified in § 292a.2 of this chapter. The organization shall be advised of its right to appeal in accordance with §§ 103.1 and 103.3 of this chapter. If an organization applies to the district director or officer-in-charge to have its name removed from the Service list, that request shall be honored.

[49 FR 41015, Oct. 19, 1984]

## PART 293—DEPOSIT OF AND INTEREST ON CASH RECEIVED TO SECURE IMMIGRATION BONDS

Sec.

293.1 Computation of interest.

293.2 Interest rate.

293.3 Simple interest table.

293.4 Payment of interest.

AUTHORITY: Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets and applies sec. 293, 84 Stat. 413.

SOURCE: 36 FR 13677, July 23, 1971, unless otherwise noted.

### § 293.1 Computation of interest.

Interest shall be computed from the date of deposit occurring after April 27, 1966, or from the date cash deposited in the postal savings system ceased to accrue interest, to and including the date of withdrawal or date of breach of the immigration bond, whichever occurs first. For purposes of this section, the date of deposit shall be the date shown on the Receipt of Immigration Officer for the cash received as security on an immigration bond. The date of withdrawal shall be the date upon which the interest is certified to the Treasury Department for payment. The date of breach shall be the date as of which the immigration bond was concluded to have been breached as shown on Form I-323, Notice—Immigration Bond Breached. In counting the number of days for which interest shall be computed, the day on which the cash was deposited, or the day which cash deposited in the postal savings system ceased to accrue interest, shall not be